

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, MAY 16, 2006  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Council President Peters at 10:01 a.m. Council Member Frye introduced the 7<sup>th</sup> Grade Class from High Tech Middle School who presented Council Members with a book they had published to commemorate San Diego River Day.

Council Member Hueso welcomed students from Perkins Elementary School who went on a week long trip to Washington D.C. The meeting was recessed by Council President Peters at 11:56 a.m. for the noon break.

The meeting was reconvened by Council President Peters at 2:04 p.m. Council President Peters recessed the meeting at 2:09 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:12 p.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 2:13 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:20 p.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 2:21 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 2:44 p.m. with Council Member Madaffer not present. Council President Peters adjourned the meeting at 2:46 p.m.

**ATTENDANCE DURING THE MEETING:**

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present

(8) Council Member Hueso-present

Clerk-Maland (er/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Hud Collins regarding pension and financial problems and concerns regarding the City Attorney's office.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:49 a.m.)

PUBLIC COMMENT-2:

Comment by Gary Hill regarding performance standards for San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:51 p.m.)

**PUBLIC COMMENT-3:**

Al Strohlein commented on the importance of bees and his efforts to maintain a beehive on City property.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

**PUBLIC COMMENT-4:**

Shana Adair requested an extension for her beach concession.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 11:56 a.m.)

**PUBLIC COMMENT-5:**

Judith Abeles commented on the Mount Soledad War Memorial.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. – 10:59 a.m.)

**PUBLIC COMMENT-6:**

Wendy Christakes commented regarding the Medical Marijuana Task Force.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:01 a.m.)

**PUBLIC COMMENT-7:**

Nick Moffit commented regarding reclaimed sewage water.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:04 a.m.)

**PUBLIC COMMENT-8:**

Don Stillwell commented regarding changes to Bus Routes 13 and 14.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:08 a.m.)

**PUBLIC COMMENT-9:**

Bert Decker commented regarding the Medical Marijuana Task Force.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:08 a.m.- 11:11 a.m.)

**PUBLIC COMMENT-10:**

Bernadine King commented on the elimination of Bus Route 40.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. – 11:16 a.m.)

**PUBLIC COMMENT-11:**

Linda Smith commented on housing for the mentally ill.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:16 a.m.- 11:17 a.m.)

**PUBLIC COMMENT-12:**

John Stump commented on the City Attorney's Office and performance standards.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:17 a.m. – 11:19 a.m.)

**PUBLIC COMMENT-13:**

Jarvis Ross commented on the future airport site.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. – 11:22 a.m.)

**PUBLIC COMMENT-14:**

Phil Hart commented on the City Attorney's Office and budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:22 a.m. – 11:25 a.m.)



**PUBLIC COMMENT-15:**

Robert Lewis commented on contract negotiations with the City of San Diego Police Officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:25 a.m. – 11:28 a.m.)

**PUBLIC COMMENT-16:**

Jinna Albright commented on the City of San Diego Police Officers' salary.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:28 a.m. – 11:31 a.m.)

**PUBLIC COMMENT-17:**

Tony Ruiz requested an increase for employee mileage compensation due to the price of gasoline.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:31 a.m. – 11:32 a.m.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Council President Pro Tem Young welcomed and expressed his appreciation to the O'Farrell Ambassador Club for attending the Council meeting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:45 a.m. – 11:46 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

City Attorney Aguirre commented on the MOU, Article 38, Section b3 and the need for meet and confer on the matter. Mr. Aguirre also commented on the issue of independence with regard to the City Attorney's Office and pension matters, and union president's benefits.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:46 a.m. – 11:56 a.m.)



ITEM-30: Tourism Week.

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-936) ADOPTED AS RESOLUTION R-301439

Declaring May 13 - 21, 2006, to be "Tourism Week" in San Diego in recognition of the importance of the visitor industry to San Diego's economy and quality of life.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:08 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



[ITEM-31:](#) Emergency Medical Services Week.

**COUNCILMEMBER FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-898) ADOPTED AS RESOLUTION R-301440

Recognizing the value and the accomplishments of San Diego Medical Services Enterprise as the emergency medical services provider for the citizens of San Diego;

Proclaiming May 14 - 20, 2006 to be "Emergency Medical Services Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:12 a.m.)

MOTION BY FAULCONER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



[ITEM-32:](#) Martha Longenecker Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-920) ADOPTED AS RESOLUTION R-301441

Congratulating Martha Longenecker on her retirement and commending her for her efforts to increase the understanding and appreciation of international art of the people;

Proclaiming May 16, 2006, to be "Martha Longenecker Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:18 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-33: Kick for a Cure for Duchenne Day.

**COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-917) ADOPTED AS RESOLUTION R-301442

Recognizing the efforts of Parent Project Muscular Dystrophy to make a difference in the lives of those affected by this disease;

Proclaiming June 10, 2006, to be “Kick for a Cure for Duchenne Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:25 a.m.)

MOTION BY MAIENSCHIEIN TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- \* ITEM-50: Third Amendment to Consultant Agreement for Coastal Low Flow Storm Drain Diversion Projects - Phase III.

(La Jolla, Pacific Beach, Ocean Beach, and Peninsula Community Areas.  
Districts 1 and 2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/25/2006, Item 51. (Council voted 8-0):

(O-2006-114) ADOPTED AS ORDINANCE O-19492 (New Series)

Authorizing the Mayor to execute the Third Amendment to the Agreement with Daniel Boyle Engineering, Inc., for additional professional services, as set forth in Exhibit A-3 to the Third Amendment to the Agreement, for an amount not to exceed \$35,918;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$35,918 from CIP-12-124.0, Coastal Low Flow Storm Drain Diversion, for the purpose of executing the Third Amendment to the Agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- \* ITEM-51: Amending the San Diego Municipal Code Relating to Downtown Parking Pilot Program Extension.

(Centre City Community Area. District 2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/25/2006, Item 52. (Council voted 8-0):

(O-2006-116) ADOPTED AS ORDINANCE O-19493 (New Series)

Amending Chapter 8, Article 6 of the San Diego Municipal Code, by amending Section 86.11, relating to Parking Meter Rates.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



- \* [ITEM-52:](#) Repealing San Diego Municipal Code Sections Dealing with Permits for Charitable Solicitation.

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-102) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
MAY 30, 2006

Introduction of an Ordinance amending Chapter 5, Article 7, Division 00, of the San Diego Municipal Code by repealing Sections 57.01, 57.01.1, 57.01.2, 57.01.3, 57.01.4, 57.01.5, 57.01.6, 57.01.7, 57.01.8, 57.01.9, 57.01.10, 57.01.11, 57.01.12, 57.01.13, 57.01.14, 57.01.15, 57.01.16, 57.01.17, 57.01.18, 57.01.19, 57.01.20, 57.01.21, 57.01.22, 57.01.23, 57.01.24, 57.01.25, 57.01.26, 57.01.27, 57.01.28, 57.01.29, 57.01.30, 57.01.31, 57.01.32, 57.01.33, 57.01.34, 57.01.35, 57.01.36, 57.01.37, 57.01.38, 57.01.39, 57.01.40, 57.01.41, 57.01.42, 57.01.43, 57.01.44, 57.01.45, 57.01.46, 57.01.47, 57.01.48, relating to Charitable Solicitations.

**SUPPORTING INFORMATION:**

The City Attorney's Office strongly recommends adopting the attached ordinance, which will repeal sections 57.01, 57.01.1, 57.01.2, 57.01.3, 57.01.4, 57.01.5, 57.01.6, 57.01.7, 57.01.8, 57.01.9, 57.01.10, 57.01.11, 57.01.12, 57.01.13, 57.01.14, 57.01.15, 57.01.16, 57.01.17, 57.01.18, 57.01.19, 57.01.20, 57.01.21, 57.01.22, 57.01.23, 57.01.24, 57.01.25, 57.01.26, 57.01.27, 57.01.28, 57.01.29, 57.01.30, 57.01.31, 57.01.32, 57.01.33, 57.01.34, 57.01.35, 57.01.36, 57.01.37, 57.01.38, 57.01.39, 57.01.40, 57.01.41, 57.01.42, 57.01.43, 57.01.44, 57.01.45, 57.01.46, 57.01.47, 57.01.48 of the San Diego Municipal Code. Those sections require persons conducting solicitations for a charitable purpose, to obtain a police permit, promoters of such solicitations to be licensed, and contain a variety of regulations addressing such solicitations.

This recommendation is based on our concurrence with previous opinions issued by this Office that these sections probably are unenforceable. See Memorandum dated July 25, 1983, Memorandum of Law dated May 24, 1991, and Report to Natural Resources and Culture Committee, dated June 5, 2003 (revised June 19, 2003) all attached as Attachments 1, 2, and 3 respectively. The existing regulations contain language found by the courts to be unconstitutionally vague (e.g. "good character," "responsible and reliable person"); to unconstitutionally limit the cost of the fundraising, and lacking prompt judicial review.

The Police Department has not enforced these sections since 1983. Recently, a lifeguard's issuance of a citation pursuant to these regulations resulted in a lawsuit against the City, and the City agreed to be subject to a temporary restraining order restraining the enforcement of these sections. The Deputy City Attorney represented to the judge that the City Attorney would bring this recommendation forward. *Animal Protection & Rescue League v. City of San Diego*, GIC 860935.

Business and Professions Code Sections 17510-17510.95 regulating charitable solicitations remain in effect and are enforceable. The purpose of these regulations is to prevent fraud.

FISCAL CONSIDERATIONS:

None

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

See Executive Summary

Nuesca

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:42 a.m. – 11:45 a.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE. Second by Hueso.  
Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea,  
Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



\* [ITEM-53:](#) Amending the San Diego Municipal Code Relating to Pedicab Regulations  
and Transfer of Program to Metropolitan Transit System (MTS).

(See Report to the City Council No. 06-055 and City Manager Report  
CMR-05-115.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2006-79) CONTINUED TO TUESDAY, MAY 30, 2006



Introduction of an Ordinance amending Chapter 8, Article 3, Division 1, of the San Diego Municipal Code relating to Pedicabs by amending Sections 83.0102 through 83.0104, 83.0106, 83.0117, 83.1023 through 83.1025, 83.1028, 83.0130, and 83.1033; repealing Sections 83.0108, 83.0109, 83.0121, 83.0131, and 83.0132; and renumbering Sections 83.0110 and 83.0111.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 5/18/2005, PS&NS voted 4 to 0 to approve the City Manager's recommendations. (Councilmembers Zucchet, Atkins, Madaffer, and Inzunza voted yea. Councilmember Young not present.)

**SUPPORTING INFORMATION:**

The City of San Diego began regulating the pedicab industry in January 2000. Vehicles and operators are licensed separately; each permit costs \$25. Separate permits are required to operate pedicabs on Port District property and in Balboa Park, with different fee structures for each jurisdiction.

Staff from the City's Engineering & Capital Projects Department (administrators of the program) and the Police Department met with various stakeholders to find ways that the pedicab regulation programs could be improved. One consistent finding was the establishment of a "one-stop shop" for permit issuance and industry regulation. MTS was the preferred entity, as it currently regulates other vehicles-for-hire such as taxicabs. Transfer of the pedicab regulation program from the City to MTS would require a vote of the City Council and a vote of the MTS Board of Directors, as well as policy changes at MTS.

Because these changes could take up to a year to implement, amendments to the existing pedicab ordinance should be implemented to improve and strengthen the regulatory process as an interim measure. After conferring with MTS's taxicab administrator, staff developed nine amendments that are consistent with MTS taxicab regulations and that can be implemented at no cost to the City.

If the program is not transferred to MTS, the pedicab regulation program will remain with the Engineering & Capital Projects Department. If this is the case, the nine amendments should be approved as a means of addressing issues of concern as expressed by the stakeholders. Additional amendments could be implemented to bring the regulations to the standard of MTS's taxicab regulations; these would require a full-time staff person to administer.

**FISCAL CONSIDERATIONS:**

Permit fees for FY2006 are expected to be \$15,000. These fees cover the costs of administering the current program, including issuance of permits, maintaining a database of owner/operator information. These cost-recovery fees would be lost if the program is transferred to MTS. The nine proposed amendments would create no additional fiscal burden on the program. Should Council decide to increase the level of regulation to that of MTS's taxicab regulation, fees would need to be increased to cover the cost of a full-time Clerical Assistant II. The Police Department's level of enforcement would remain unchanged, with citations issued on an as-needed basis.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

On May 18, 2005, the Public Safety & Neighborhood Services Committee voted 4-0 (Madaffer, Zucchet, Atkins, Inzunza in support; Young not present) to approve the transfer to MTS and also approved the six ordinance amendments which were presented at that time.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

See Attachment A.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

MTS would assume responsibility for pedicab administration.

Pedicab passengers would potentially receive improved service.

Pedicab owners would incur costs of approximately \$15 per vehicle for the rate cards and identification numbers, and \$125 per vehicle for seatbelts. It should be noted that many pedicab owners have already installed seatbelts on their vehicles.

Boekamp/Haas

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 11:35 a.m. – 11:41 a.m.)

**MOTION BY MAIENSCHIN TO CONTINUE TO MAY 30, 2006 FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.**

\* ITEM-100: West Lewis and Falcon Streets Mini Park.

(Uptown Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-895) ADOPTED AS RESOLUTION R-301443

Authorizing the City Auditor and Comptroller to add CIP-29-886.0, West Lewis and Falcon Streets Mini Park to the Fiscal Year 2006 Capital Improvement Program;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvement Program budget in CIP-29-886.0, West Lewis and Falcon Streets Mini Park, Fund No. 79512, Uptown Developer Impact Fees (DIF) by \$450,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$450,000 from CIP-29-886.0, West Lewis and Falcon Streets Mini Park, Fund No. 79512, Uptown Developer Impact Fees for the purpose of design and development of the West Lewis and Falcon Streets Mini Park project, contingent upon the City Auditor and Comptroller furnishing a certificate indicating that the required funds are on deposit in the City Treasury;

Declaring this activity is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project but rather only a transfer of funds.

**STAFF SUPPORTING INFORMATION:**

This project provides for the design and construction of a 0.33 acre mini-park located on the west side of the intersection of West Lewis and Falcon Streets. This acreage is a "paper" street and has been quitclaimed to the City by the property owner of the parcel at the southwest corner of this intersection. A second property owner of the parcel on the southeast corner of Goldfinch and West Lewis Streets has committed to Real Estates Assets Department that he will also quitclaim his "paper" street portion of West Lewis Street which will allow for this project to include a trail to connect Goldfinch and Falcon Streets along West Lewis Street. Proposed park amenities may include walkways, landscaping, seating areas and public art.

Prior to authorization of construction a full environmental review of the project will be completed and environmental issues identified by the CEQA approved document will be incorporated into the project and addressed.

**FISCAL CONSIDERATIONS:**

Funds in the amount of \$450,000 are available from Uptown Developer Impact Fees (DIF), Fund No. 79512, for the purpose of the design and development of the mini-park. Once completed, the annual cost of the operation and maintenance is estimated to be \$3,000. These funds have not been identified.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Once the project is placed in the Capital Improvement Program and funded, Park and Recreation Department staff will initiate public outreach per City Council Policy 600-33.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

This is a community driven project. Working in close association with Council District 2 staff, the community created a concept plan for this project. This concept was determined feasible by Park Planning and Development staff.

The Uptown Planning Committee discussed this project concept on 11/2/04 as part of a tentative map agenda item. Their recommendation was for the "applicant to work closely with City staff to negotiate an appropriate agreement to provide a needed amenity to the entire neighborhood". The applicant has since quitclaimed the property to the City for the park.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Uptown Planners, the community planning group, supports this project.

Penera/Martinez

Aud. Cert. 2600730.

Staff: Sheila Bose - (619) 533-3054  
Jeremy A. Jung - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

\* ITEM-101: Mission Trails Regional Park Monument Sign.

(Mission Trails Regional Park Community Area. District 7.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-849) ADOPTED AS RESOLUTION R-301444

Amending the Fiscal Year 2006 Capital Improvement Program (CIP) Budget by adding CIP-29-906.0, Mission Trails Regional Park Monument Sign;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$24,430 from Fund No. 10580, Mission Trails Regional Park Antenna Fund, to CIP-29-906.0, Mission Trails Regional Park Monument Sign;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$24,430 from CIP-29-906.0, Mission Trails Regional Park Monument Sign, for the purpose of funding the purchase, shipping, and installation of a new monument sign at Mission Trails Regional Park;

Declaring this activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction).

**STAFF SUPPORTING INFORMATION:**

Mission Trails Regional Park requires a like replacement of the Park Monument Sign. The sign needs to be replaced because it is located in a critical location that directs visitors to this heavily attended park. The previous sign was removed for safety precautions due to wood damage over the life span of the sign. The sign will be constructed and installed by Sign Here! Sign Company.

**FISCAL CONSIDERATIONS:**

The estimated total cost of this project is \$24,430 to be allocated from the Mission Trails Regional Park Antenna Fund. This fund is designated for Park Infrastructure Capital Improvement Projects within Mission Trails Regional Park.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Approved by the Mission Trails Task Force on September 21, 2005. The Task Force was created by Council Resolution No. R-218325 on May 5, 1977 to study and make recommendations on Mission Trails Regional Park.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Approved by the Mission Trails Citizens' Advisory Committee on September 6, 2005.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Approved by the Mission Trails Citizens' Advisory Committee on September 6, 2005.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Mission Trails Task Force

Mission Trails Citizen Advisory Committee

Sign Here Sign Company

All users of Mission Trails Regional Park. The sign is a key component of the Park that directs park visitors/tourists to the park entrance via adjacent streets and walkways.

Medina/Martinez

Aud. Cert. 2600678.

Staff: David Monroe - (619) 533-6733

Hilda Ramirez Mendoza - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- \* ITEM-102: First Amendment to Consultant Agreement for Balboa Park Ornamentation/Cultural Projects.

(Balboa Park Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-902) ADOPTED AS RESOLUTION R-301445

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, a First Amendment to the Agreement between the City of San Diego and Heritage Architecture and Planning for \$144,063 for professional services for the Balboa Park Ornamentation/Cultural Projects, under the terms and conditions set forth in the document;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$144,063 from CIP-21-855.0, Balboa Park Historical Cultural Projects, 2002 Resources Park Bond, Fund No. 38210, California Tower, Fund No. 38211, Museum of Art, and Fund No. 38212, Casa del Prado, for the purpose of funding the above First Amendment to Agreement, provided that the City Auditor and Comptroller first certifies that the necessary funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3).

**STAFF SUPPORTING INFORMATION:**

On September 27, 2004, Council authorized the Agreement with Heritage Architecture and Planning to provide architectural and engineering services for the restoration of ornamentation on the Museum of Man/California Tower, Museum of Art and Casa del Prado in Balboa Park (R-299686). The compensation for the original agreement is \$500,000, and includes investigative work, testing, reporting, community and stakeholder meetings, preparation of plans, specifications and cost estimates. The total original budget for the project was \$3,150,000, inclusive of consultant services.

On June 21, 2005, Council authorized the appropriation of 2002 Resources Park Bond Per Capita funding in the amount of \$1,837,570 to this project, allowing additional restoration work to be done (R-300554). With this action, the revised total budget for the project was increased to \$4,987,570. Additional services from the consultant are required to conduct additional testing and to prepare additional plans and estimates for implementation of the increased scope of work. Additional consultant fees are in the amount of \$144,063, bringing the total amount of consultant services to \$644,063.

**FISCAL CONSIDERATIONS:**

Funding is available in CIP-21-855.0 for the additional services.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Council authorization of the Agreement occurred on September 27, 2004 (Resolution R-299686). Council authorization of the funding increase of \$1,837,570 occurred on June 21, 2005 (Resolution R-300554).

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Restoration procedures and scope of work have been reviewed by the Balboa Park Committee, the Park and Recreation Board's Design Review Committee, the Park and Recreation Board and the Historical Resources Board.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

Staff has coordinated this project closely with the Museum of Man and the Museum of Art. Both institutions are in favor of the project.

Heritage Architecture and Planning

Pennera/Martinez

Aud. Cert. 2600700.



Staff: April Penner - (619) 525-8223  
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



\* [ITEM-103:](#) First Amendment to Consultant Contract with the Law Offices of Don Detisch for the South Chollas Landfill/Paragon Practice Park Negotiations.

(Chollas View Community Area. District 4.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-900) ADOPTED AS RESOLUTION R-301446

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, an amendment to the agreement with the Law Offices of Don Detisch, for professional services in connection with the South Chollas Landfill/Paragon Practice Park negotiations, under the terms and conditions set forth in the First Amendment to Agreement;

Authorizing the expenditure of an amount not to exceed \$10,000 from Refuse Disposal Enterprise Fund No. 30244, CIP-32-020.0, South Chollas Landfill Improvements, solely and exclusively to provide funds for the above amendment;

Declaring this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guideline 15060(c)(2) because this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**STAFF SUPPORTING INFORMATION:**

On August 2, 2004, the City entered into an Agreement with the Law Offices of Don Detisch for \$25,000 to provide professional legal services in the development and negotiations of an Exclusive Negotiating Agreement (ENA) and potentially a Development Lease Agreement (DLA) with Paragon Practice Park LLC for the development of a baseball and golf learning center at the South Chollas landfill. Mr. Detisch's services have proven to be extremely beneficial.

After lengthy and complex negotiations, an ENA was negotiated and approved by Paragon LLC and the City Council. Negotiations of the DLA have proven to be very complex and lengthy, requiring more in the way of legal service from the Law Offices of Don Detisch. Given Mr. Detisch's expertise in land use law and negotiations, and his intimate involvement to date, we are requesting an amendment in the amount of \$10,000 to allow the Law Offices of Don Detisch to continue providing their services.

**FISCAL CONSIDERATIONS:**

Refuse Disposal Enterprise Funds are available in CIP-32-020.0 (S. Chollas Landfill Improvements) and shall not exceed \$10,000 for these services.

**PREVIOUS COUNCIL COMMITTEE ACTION:**

None

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Oak Park Community Council and the Chollas Lake Recreation Council are in strong support of Paragon's proposed project on the S. Chollas Landfill and the continuing negotiations that the Law Offices of Don Detisch is providing.

**KEY STAKEHOLDERS:**

Law Offices of Don Detisch, Oak Park and Chollas View residents, baseball and golf enthusiasts.

Heap/Haas

Aud. Cert. 2600750.

Staff: Sylvia Castillo - (858) 492-5032  
Grace C. Lowenberg - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:41 a.m. – 11:42 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Hueso. Passed by the following vote:  
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,  
Madaffer-not present, Hueso-yea.

- \* ITEM-104: Consultant Agreement with MWH Americas, Inc. for the Preparation of San Pasqual Basin Groundwater Management Plan.

(See Executive Summary Sheet dated 3/28/06. San Pasqual Community Area.  
District 5.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-933) ADOPTED AS RESOLUTION R-301447

Authorizing the Mayor, or his designee, to execute an agreement with MWH Americas, Inc., for preparation of a San Pasqual Groundwater Management Plan (Agreement), together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the Mayor, or his designees, shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement;

Authorizing the expenditure of \$300,000 from Water Fund 41500, Sub CIP-75-932.0, Annual Allocation – Groundwater, for the purpose of funding the Agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering Department, to return any excess budgeted funds to the appropriate reserves;

Declaring this activity is a feasibility or planning study that is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 4/5/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

**SUPPORTING INFORMATION:**

Adopted Council Policy 600-45 requires development of a GMP in order to protect the groundwater resources within the San Pasqual Basin. This 4,540 acre basin is located in the northern portion of the City of San Diego between the City of Escondido to the north and the Community of Rancho Bernardo to the south. The basin is within the San Dieguito River watershed with Lake Hodges to the west and Sutherland reservoir to the east. The City owns most of the land in the San Pasqual Valley. This land is leased primarily for agricultural purposes. Groundwater has historically been used for irrigation.

The City may consider water supply opportunities in the basin such as brackish groundwater desalination and conjunctive use storage and recovery of imported water. The brackish groundwater desalination component would consist of extracting and desalinating native groundwater via reverse osmosis (RO) treatment for potable uses. The conjunctive use concept would recharge imported water to the aquifer during periods of high availability and less expensive supply, for recovery during dry periods or emergency conditions.

A GMP is a document that outlines a coordinated strategy for administration, operation, and monitoring of a groundwater basin. It is important because it helps ensure the quality, production and storage, and long-term sustainability of the groundwater resource.

**FISCAL CONSIDERATIONS:**

The total not-to-exceed contract amount of the Agreement is \$300,000. GMP's that meet the requirements of the State Water Code become eligible for State funding for groundwater projects implementation.

**PREVIOUS COUNCIL/COMMITTEE ACTION:**

On April 5, 2006, the Natural Resources and Culture Committee approved this requested action. December 9, 2002, the City of San Diego adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-2003-657 in which the San Pasqual Basin was identified as a potential groundwater supply. On May 5, 2004, Councilmember Brian Maienschein presented the San Pasqual Valley Vision Plan to comprehensively protect the water, agricultural, biological and cultural resources within the San Pasqual Valley. On August 4, 2004, the Land Use and Housing Committee voted 4-0 to direct the City Manager to start work on Directive 1 of the San Pasqual Valley Vision Plan. Directive 1 calls for the City Manager to prepare a Council Policy

that reinforces the goals of the Vision Plan. On April 27, 2005, the City Manager's Report No. 05-105 titled San Pasqual Vision Plan Council Policy was issued. On May 4, 2005, the Natural Resources and Culture Committee voted 4-0 to support the Manager's Recommendation that the City Council adopt the Draft Council Policy. The Council adopted Policy 600-45 (R-300588) on June 27, 2005 by unanimous vote.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Water Department has been actively involved in the San Pasqual/Lake Hodges Planning Group for the past three years. As part of the GMP, the City will conduct regular stakeholder meetings consistent with the San Pasqual Valley Vision Plan. In addition, in order to develop a GMP per state guidelines the City will conduct a public hearing on whether to adopt the Plan, and a second hearing after the Plan is prepared in order to consider public concerns.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

There are local, intergovernmental, and industry/regulatory agency stakeholders within the San Pasqual Valley. Local stakeholders include the San Pasqual/Lake Hodges Community Planning Board, Rancho Bernardo Chamber of Commerce, Rancho Bernardo Community Planning Board, San Diego County Farm Bureau, San Dieguito River Park Citizens Advisory Board, San Diego Wild Animal Park, and City lessees who practice agriculture within the Valley.

Intergovernmental stakeholders include the City of San Diego Council District 5, the Cities of Escondido and Poway, the City of San Diego Agricultural Board, the Rancho Bernardo Community Council, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority, and the San Dieguito River Watershed Stewardship Initiative Group.

Industry/regulatory agency stakeholders include the Regional Water Quality Control Board, the Industrial Environmental Association, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the U.S. Army Corps of Engineers. The Groundwater Management Plan will address agriculture Best Management Practices, groundwater recharge-extraction issues, groundwater quality, and habitat management.

Yackly/Haas

Aud. Cert. 2600757.

Staff: M. Steirer – (619) 533-4112  
Lori W. Girard – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- \* ITEM-105: Proposition 50 Grants from the Department of Water Resources (DWR) for San Pasqual and San Diego Formation Brackish Groundwater Desalination Projects.

(See Executive Summary Sheet dated March 28, 2006. San Pasqual and Mt. Hope Community Areas. Districts 4 and 5.)

(Continued from the meeting of May 2, 2006, Item 104, at the request of Council President Pro Tem Young, for further review.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-885) ADOPTED AS RESOLUTION R-301448

Authorizing the Mayor, or his designee, to execute an Agreement between the State of California Department of Water Resources and the City of San Diego for San Pasqual Brackish Groundwater Desalination-Project - Phase III, together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the Mayor, or his designee, shall deem necessary from time to time in order to carry out the purposes and intent of the agreement;

Authorizing the Mayor, or his designee, to execute an Agreement between the State of California Department of Water Resources and the City of San Diego for San Diego Formation Brackish Groundwater Desalination Project - Phase II Feasibility Study, together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the Mayor, or his designee, shall deem necessary from time to time in order to carry out the purposes and intent of the agreement;

Authorizing the Mayor and his designees to take all necessary actions to secure the grant funding;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend grant funds if the grant funding is secured;

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) because this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 4/5/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

**SUPPORTING INFORMATION:**

In October 2004, under the Proposition 50 Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Chapter 6a, DWR solicited construction projects, research and development, feasibility studies, and pilot demonstration projects for desalination of seawater or brackish waters. The grant program aims to assist local public agencies with the development of local potable water supplies through brackish groundwater and seawater desalination.

The City's Water Department submitted three (3) projects for consideration of grant funding. The following two (2) projects were selected for award:

- San Pasqual Brackish Groundwater Desalination Demonstration Project - Phase III - Design, build and operate a 500 Acre Foot per Year (AFY) demonstration facility which will desalinate groundwater from the San Pasqual Aquifer.
- San Diego Formation Brackish Groundwater Desalination Project - Phase II Feasibility Study - Study to evaluate the overall feasibility of implementing a groundwater desalination project using the San Diego Formation Aquifer.

These projects will allow the City to accomplish significant steps towards advancing the production of usable potable water from groundwater sources not currently used by the City. In addition, the projects will help to enhance reliability and increase the local water supply.

**FISCAL CONSIDERATIONS:**

These projects are expected to help advance desalination in California as well as provide valuable lessons, experience, and background material for the public.

These projects will be included in the Department's budget as follows:

San Pasqual Brackish Groundwater Desalination Phase III CIP-75-932.4.

- Total project cost of \$3.075 million
- Grant award of \$1.5 million funds offered
- \$3.075 million included in the Capital Improvement Program budget over Fiscal Year 2007 through 2009

San Diego Formation Brackish Groundwater Desalination Project - Phase II Feasibility Study.

- Total project cost of \$500,000
- Grant award of \$249,700 offered
- \$370,000 included in current year operating and maintenance budget
- \$130,000 to be included in operations and maintenance budget over Fiscal Years 2007 and 2008

If awarded, grant reimbursement will occur over multiple fiscal years.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

On April 5, 2006, the Natural Resources and Culture Committee approved this requested action. Resolution Number R-297933 passed and adopted on May 6, 2003, by the Council of the City of San Diego, that the City Manager and/or the Water Department Director are authorized to apply for funds from the State of California under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Proposition 50, to facilitate implementation of the City of San Diego's Water projects. Approved unanimously on 2/10/03 (Peters, Zucchet, Atkins, Lewis, Maienschein, Frye, Madaffer, Inzunza, Murphy in support).

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

City representatives attend the San Pasqual Lake Hodges Planning Group meetings and provide information and receive feedback on City activities. A San Pasqual public advisory committee is planned as a part of the Groundwater Management Plan preparation as required in the San Pasqual Vision Plan Policy No. 600-45, June 27, 2005, adopted by the Council. The San Diego Formation feasibility study is being coordinated with the City Parks Department as the study will be conducted at the Mt. Hope Cemetery. Both projects have been reviewed with staff of the County Water Authority and member agencies.

**KEY STAKEHOLDERS:**

Citywide Water Customers

Yackly/Haas

**FILE LOCATION:**

MEET

**COUNCIL ACTION:**

(Time duration: 11:32 a.m. – 11:35 a.m.)



CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- \* ITEM-106: 21<sup>st</sup> Century Community Learning Center Grant for San Diego's "6 to 6" Program at Faith-Based Schools.

(City Heights, Barrio Logan, Lincoln Park, Southcrest, and Linda Vista Community Areas. Districts 3, 4, 6, and 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-915) ADOPTED AS RESOLUTION R-301449

Authorizing the City Auditor and Comptroller to accept \$295,625 in additional 21<sup>st</sup> Century Community Learning Center (CCLC) grant funds for the operation of San Diego's "6 to 6" Program at six (6) faith-based schools for the period of July 1, 2005 through December 31, 2006;

Authorizing the Mayor, or his designee, to enter into amendments to agreements with existing "6 to 6" providers to expend the grant funds, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds.

**STAFF SUPPORTING INFORMATION:**

San Diego's "6 to 6" Program operates at a total of 132 schools in Fiscal Year 2006, which includes six grant-funded faith-based schools serving low income communities: Our Lady of the Sacred Heart (CD3); St. Rita's (CD4); Holy Family (CD6); Our Lady of Guadalupe (CD8); Our Lady of Angels (CD8); and St. Jude (CD8). The listed school sites are the providers of services for the "6 to 6" Program. Primary funding for these "6 to 6" sites came from a \$660,480 in federal 21<sup>st</sup> Century Community Learning Center (CCLC) grant administered by the State of California Department of Education (CDE). The City is the grantee and fiscal agent on behalf of

these faith-based schools, and as such, is entitled to a 5% administrative charge deducted from the grant to cover related expenses.

The City was originally awarded \$660,480 under a five year grant from Fiscal Year 2003 - 2007, pursuant to Council Resolution No. R-298024. Due to California Senate Bill 854 (Chapter 555, Statutes of 2005), the per student reimbursement rate was increased by 50% (\$3.33 to \$5.00 per student/per day before school reimbursement rate, and \$5.00 to \$7.50 per student/per day after school reimbursement rate), and to allow the same amount of students to be served prior to the reimbursement rate increase, the grant allocation was increased by the California Department of Education to \$295,625, pursuant to CA Education Code Section 8484.8 (i). The original grant allocation of \$660,480 was increased to \$956,105 awarded to San Diego's "6 to 6" Extended School Day Program.

This action, if approved, will authorize the City to amend current agreements for the faith-based sites. The legislation also requires these funds to be expended within 18 months (July 2005 - December 2006), which is a change from 24 months originally required. The increase in the grant allocation will allow the continuance of providing services for approximately 252 students in the before-school program (42 students per site), and approximately 498 children in the after-school program for each regular school day (83 students per site).

If this request is not approved the City will not be eligible to receive the additional \$295,625. The result of not receiving the additional funding will result in a decrease of 84 students per day for the before-school program (14 students per site), and 162 students per day for the after-school program (27 students per site).

**FISCAL CONSIDERATIONS:**

Pursuant to Senate Bill 854, the City has received a 15% guarantee payment of \$99,072 for FY2006 used to cover the expenses for payments made to school sites (15% guarantee x \$660,480 = \$99,072). The State will provide an additional guarantee payment of \$44,343.75 due to the increased grant allocation (15% x \$956,105 New Grant Allocation = \$143,416 - \$99,072 Guaranteed Payment Received = \$44,344 Due from the State) to be used to cover the expenses for payment made to school sites. The City is anticipating quarterly payments to reimburse expenses incurred.

Refer to Exhibit A for breakdown of funding per school site.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

On June 3, 2003, Council approved Resolution Number R-298024 to receive \$660,480 from the California Department of Education every fiscal year from FY2003 to FY2007.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Not Applicable.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The following schools are key stakeholders as well as the current provider agencies: Our Lady of the Sacred Heart (CD3); St. Rita's (CD4); Holy Family (CD6); Our Lady of Guadalupe (CD8); Our Lady of Angels (CD8); and St. Jude (CD8).

Fischle-Faulk/Martinez

Staff: Edward Prendell - (619) 533-6512  
Michael D. Neumeyer - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

\* ITEM107: Easement Grant to San Diego Gas & Electric Company (SDG&E) for the Gaines Street 20A Conversion.

(Linda Vista, South Side of Riley Street, East of Napa Road Community Area.  
Districts 2 and 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-907) ADOPTED AS RESOLUTION R-301450

Authorizing the Mayor, or designee, to execute a deed conveying to San Diego Gas & Electric Company, an easement for the purpose of constructing, repairing, maintaining and using underground facilities and appurtenances for the transmission of electricity, affecting a portion of Parcel 2 of Parcel Map No. 18455, filed April 13, 2000, at File No. 2000-187894 in the Office of the County

Recorder of said County of San Diego, as more particularly described in the legal description and map attached to the easement deed.

**STAFF SUPPORTING INFORMATION:**

As part of the City's utility undergrounding program, (Council Policy 600-08), existing aboveground utility facilities will be relocated underground. In order to accomplish the relocation, San Diego Gas & Electric Company (SDG&E) has requested an easement for two 3421-transformers, which are necessary for the conversion. The easement will provide the necessary rights for SDG&E to relocate as requested by the City's undergrounding program. The total area of the easement is approximately 69 square feet. The easement has been valued by City valuation staff to be worth \$2,400. Since this project is a California Public Utilities Code 20A conversion, the cost of which is paid by the City, no compensation is requested for this easement.

**FISCAL CONSIDERATIONS:**

A processing fee of \$1,590 was deposited into Fund 100.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

This area has been declared by Council Resolution as part of an Underground Utility District.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Not applicable.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

- Conversion of overhead facilities to underground facilities benefits the public health, safety or general welfare.
- SDG&E

Boyle/Waring

Staff: Steve Geitz - (619) 236-6311  
Brock Ladewig - Deputy City Attorney

**FILE LOCATION:** DEED F-9982

**COUNCIL ACTION:** (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

\* ITEM-108: Public Auction of 5439 Westknoll Drive.

(La Jolla Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-807) ADOPTED AS RESOLUTION R-301451

Authorizing the Mayor, or designee, to sell the Property located at 5439 Westknoll Drive, San Diego, CA (Assessor's Parcel Number 358-570-27), for the purpose of carrying out the direction of the donor and providing funds for the La Jolla/Riford Branch Library;

Authorizing the Mayor, or designee, to sell the Property through public auction, sealed bids, or a combination of both for a minimum bid of not less than One Million Three Hundred Thirty Thousand Dollars (\$1,330,000);

Authorizing the Mayor, or designee, to sell the Property at fair market value by negotiation after listing or advertising the Property, if the minimum bid at public auction or by sealed bids is not met;

Authorizing the Mayor, or designee, as part of the sale of the Property, to execute a grant deed conveying to the buyer fee title in the Property;

Authorizing the Mayor, or designee, to pay a real estate broker's commission, if any, for the sale of the Property;

Authorizing the Mayor, or designee, to receive the proceeds of the sale of the Property, and place said proceeds, net of costs related to the sale, in the Jane Cameron La Jolla Library Fund, Fund No. 67036, Revenue Account 78969;

Declaring this activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (existing facility).

**STAFF SUPPORTING INFORMATION:**

The City of San Diego was the designated beneficiary of a generous charitable donation in the estate of Jane Cameron. Ms. Cameron was a lifetime resident of La Jolla who often used the La

Jolla/Riford Branch Library (La Jolla Branch). She willed the assets of her estate to the City to provide for the current and future well-being of this facility. Her personal residence located at 5439 Westknoll Drive (358-570-27) in La Jolla was part of the donation. To fulfill the bequest, the City is now preparing to sell the residential property by public auction.

Although the sale was authorized as part of the original resolution accepting the donation, the City Attorney's Office opined that additional authorizations were needed to comply with the City Municipal Code.

**FISCAL CONSIDERATIONS:**

Net proceeds of the sale, which are expected to exceed the \$1,330,000 minimum bid amount, are to be deposited in the Jane Cameron La Jolla Library Fund.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

None - The sale was approved as part of the acceptance Resolution (R-2005-1061) in April 2005.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

None required with this action.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

The La Jolla/Riford Branch Library  
The City of San Diego Library Department

No projected impacts anticipated.

Boyle/Waring

Staff: Michael Boyle - (619) 236-6020  
Morton Park - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

\* ITEM-109: Traffic Signal and Street Lighting System at Firethorn Street and Palm Avenue.

(Otay Mesa-Nestor Community Area. District 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-893) ADOPTED AS RESOLUTION R-301452

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$160,000 from Fund 79517, Otay Mesa-Nestor Development Impact Fee (DIF), to CIP-68-010.0, Traffic Signals-Citywide;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvement Program budget by \$160,000, Fund 79517, in CIP-68-010.0, Traffic Signals-Citywide;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$160,000, from Fund 79517, Otay Mesa-Nestor Development Impact Fee (DIF), CIP-68-010.0, Traffic Signals-Citywide, for the design and construction of a traffic signal and street lighting system at Firethorn Street and Palm Avenue, contingent upon the City Auditor and Comptroller certifying that the necessary funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to fund balance, Fund 79517, Otay Mesa-Nestor Development Impact Fee (DIF);

Declaring this activity is exempt from California Environmental Quality Act pursuant to CEQA Guidelines Section 15303(D).

**STAFF SUPPORTING INFORMATION:**

This action will authorize the Mayor to appropriate and expend \$160,000 of DIF funds for the installation of a traffic signal and street lighting system at Firethorn Street and Palm Avenue. This location has been evaluated for the installation of a traffic signal by Transportation Engineering's staff and it met the criteria established in Council Policy 200-06 for the installation of a traffic signal.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$160,000 which is available from Fund 79517, Otay Mesa-Nestor DIF.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Transportation Engineering Division staff has received several requests and letters of support from members of the community and the Otay Mesa-Nestor Planning Committee to install a traffic signal at the intersection of Firethorn Street and Palm Avenue. In addition, the proposed traffic signal at Firethorn Street and Palm Avenue is included in the Otay Mesa-Nestor Public Facilities Financing Plan, adopted February 7, 2006.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Staff is not aware of any individual or organization opposed to this proposal.

Boekamp/Haas

Aud. Cert. 2600725.

Staff: Deborah Van Wanseele - (619) 533-3012  
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

\* ITEM-110: City of Yokosuka Day.

**MAYOR SANDERS' AND COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-916) ADOPTED AS RESOLUTION R-301453



Proclaiming April 17, 2006, to be “City of Yokosuka Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

\* ITEM-111: Kenneth Courtney Day.

**COUNCIL PRESIDENT PRO TEM YOUNG’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-914) ADOPTED AS RESOLUTION R-301454

Proclaiming June 1, 2006, to be “Kenneth Courtney Day” in the City of San Diego in celebration of his accomplishments and recognition of his commitment to the community and the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

\* ITEM-112: National Association of Letter Carriers Day.

**COUNCILMEMBER FRYE’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-919) ADOPTED AS RESOLUTION R-301455

Commending the many National Association of Letter Carriers (NALC) members and volunteers for their ongoing dedication in providing basic needs for their fellow citizens;

Proclaiming May 13, 2006, to be "National Association of Letter Carriers Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

\* ITEM-113: Patricia Wahl Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-912) ADOPTED AS RESOLUTION R-301456

Proclaiming May 10, 2006, to be "Patricia Wahl Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- \* ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-769) ADOPTED AS RESOLUTION R-301457

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L – State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- \* ITEM-115: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-926) ADOPTED AS RESOLUTION R-301458

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L – State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:35 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-330: Appointment to the San Diego County Water Authority Board of Directors.

(See memorandum from Mayor Sanders dated 4/26/2006, with resume attached.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-941) ADOPTED AS RESOLUTION R-301459

Council confirmation of the appointment by the Mayor of the City of San Diego, to serve as a member of the San Diego County Water Authority Board of Directors, for a term ending as indicated:

**NAME**

**TERM ENDING**

Thomas V. Wornham  
(Carmel Valley, District 1)  
(Replacing Nora N. Jaeschke, who resigned)

May 2, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:08 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



**ITEM-331:** Lease Agreement with the State of California Department of Transportation; and Agreement with the City of San Diego Redevelopment Agency for the Lease and Maintenance of Cortez Hill/Tweet Street Park.

(See Centre City Development Corporation Report No. CCDC-06-07/  
CCDC-06-06. Centre City Community Area. District 2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-109) INTRODUCED, TO BE ADOPTED ON  
TUESDAY, MAY 30, 2006

Introduction of an Ordinance authorizing the Mayor of the City of San Diego, or designee, to execute for and on behalf of the City of San Diego, a Marler Johnson Park Lease Agreement with the State of California Department of Transportation, for the lease of a portion of right-of-way at Date Street and Tenth Avenue, under the conditions set forth in that Lease Agreement;

Authorizing the Mayor of the City of San Diego, or lawful designee, to execute, for and on behalf of the City of San Diego, an Agreement with the Redevelopment Agency of the City of San Diego, for the maintenance of Cortez Hill/Tweet Street Park located on Date Street and Tenth Avenue.

**SUPPORTING INFORMATION:**

Approval of and creation of a neighborhood park for the Cortez Hill will provide a variety of recreational amenities and will raise the quality of life for all downtown residents and visitors. The proposed park will implement a number of recommendations from the Cortez Focus Plan, and will convert an unusable strip of Caltrans' right-of-way into valuable public open space. The Marler Johnson Park Lease Agreement will provide the authority to enable Caltrans to lease the unused right-of-way to the City for park purposes, and the Maintenance Agreement establishes the responsibilities of the City and Agency.

**FISCAL CONSIDERATIONS:**

Funds for the project are available in the FY 2005-2006 Cortez District Budget, and a total amount of \$2,167,000 is available for Tweet Street Park. A revised estimate of Probable Construction Costs places the construction cost as approximately \$2,026,000. The Agency is also responsible for the lease payments, for a cost of \$5,120 for the initial ten-year period. If all

rights-of-renewal are fulfilled, an additional \$7,680 will be due (with an amount of \$2,560 due in the years 2016, 2021, and 2026 respectively). The new park will be maintained by the Park and Recreation Department within the constraints of current budgets.

**CENTRE CITY DEVELOPMENT CORPORATION ACTION:**

The Lease Agreement was subsequently approved by the CCDC Board on January 25, 2006.

On November 16, 2005, the Centre City Advisory Committee (CCAC) and the Project Area Committee (PAC) voted unanimously to approve staff's recommendation to approve the Final Design and recommended Authorization to Bid.

On March 18, 2002, the City Council approved the changes to the street layout and circulation to enable construction of the Cortez Hill/Tweet Street Park.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Cortez Hill community has been engaged in the design process over the years, and has endorsed the design for the Cortez Hill/Tweet Street Park.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

The Cortez Hill community residents and visitors. The projected impact of the action is that additional valuable open space for downtown residents will be created. The new park will be maintained by the Park and Recreation Department within the constraints of current budgets.

Haines/Graham

**NOTE:** See the Redevelopment Agency Agenda of May 16, 2006, for a companion item.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 2:20 p.m. – 2:21 p.m.)

MOTION BY FAULCONER TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Falconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



**ITEM-332:** Elimination of the Time Limit for Establishing Loans, Advances, and Indebtedness in the College Grove Redevelopment Area.

(See Redevelopment Agency Report No. RA-06-11/RTC-06-24. Eastern Area Community Area. Districts 4 and 7.)

**REDEVELOPMENT AGENCY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-123) INTRODUCED, TO BE ADOPTED ON  
TUESDAY, MAY 30, 2006

Introduction of an Ordinance eliminating the time limit for establishing loans, advances, and indebtedness to carry out the Redevelopment Plan for the College Grove Redevelopment Project Area.

**SUPPORTING INFORMATION:**

In October 2001, the State legislature amended California Redevelopment Law (Health and Safety Code Section 33333.6(e) to authorize local legislative bodies to adopt ordinances eliminating the time limits on the establishment of loans, advances, and indebtedness for Redevelopment Plans adopted prior to January 1, 1994. The amendment included a provision that a redevelopment agency would need to pay to each affected taxing agency EITHER of the following: a) If there is an existing tax sharing agreement, the Redevelopment Agency would continue to pay the amount required by that agreement for that taxing agency; OR b) If there is a not an existing tax sharing agreement, the Redevelopment Agency would pay the affected taxing agency statutory pass-through payments pursuant to Section 33607.5 of the Redevelopment Law.

Approval of the requested action would eliminate the time limits on the establishment of loans, advances and indebtedness for the College Grove Project Area and authorize the Agency to commence making annual tax-sharing payments to the affected taxing entities from tax increment revenue generated by the College Grove Project Area.

The College Grove Redevelopment Plan, adopted in 1986, authorizes the undertaking of redevelopment activities through May 2026, the repayment of debt through May 2036, and the time limit for establishing loans, advances, and indebtedness through May 2006. Although this action requests the elimination of the time limit for incurring debt, the de facto time limit would be May 2026.

The Project Area must have debt to receive tax increment revenue. Such debt could be in the form of developer agreements, tax allocation bonds, or commitments to the City to provide specific public improvements. Elimination of the time limit for incurring debt will enable the Agency to continue to carry out the projects identified in the College Grove Third Implementation Plan adopted in June 2004, which identifies the need for providing required

community facilities and public services, improved streets and traffic circulation, and affordable housing.

In addition, the Agency has an obligation to widen and improve College Avenue under a 1998 Disposition and Development Agreement with Wal-Mart, the anchor tenant at the College Grove Shopping Center. Planned improvements include the widening of College Avenue, enhancement of medians on College Grove Drive and installation of a traffic signal at the intersection of College Avenue and Livingston Street/SR-94 off-ramp. Other identified projects include improvements to the Chollas Lake Recreation Area to bring the park up to the standards called for in the Chollas Lake Recreation Area General Development Plan. Available funds also will be used for affordable housing improvements in the surrounding area.

**FISCAL CONSIDERATIONS:**

Attachment 1, Projected Future Tax Increment (TI) for the College Grove Redevelopment Area, shows the projected tax increment revenues, the distribution of payments to the affected taxing entities and the net amount of additional revenue which would be available for projects if the time limit is eliminated. For the College Grove Project Area, the Agency has an existing tax-sharing agreement with the County of San Diego. The remaining affected taxing entities with whom there are no agreements are the County Office of Education, San Diego City Schools, Community College District, the County Water Authority, Grossmont Union High School District, and Grossmont-Cuyamaca Community College District.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

On September 20, 2005, the Agency approved the repeal of the debt incurrence time limit for the Mount Hope Redevelopment Project Area (R-03952). On October 10, 2005, the City Council approved the repeal of debt incurrence time limit for the Mount Hope Redevelopment Project Area (O-19417). The same action is now proposed for the College Grove Redevelopment Area.

**COMMUNITY PARTICIPATION & PUBLIC OUTREACH EFFORTS:**

In their review of the College Grove Third Implementation Plan and Project Financing Plan the Oak Park Community Council, the Eastern Area Planning Committee and the Chollas Recreation Area Recreation Council recommended that the Agency commit available funding for projects identified in those plans.

Ostrye/Waring

**NOTE:** See the Redevelopment Agency Agenda of 5/16/2006 for a companion item.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 2:12 p.m. – 2:12 p.m.)



MOTION BY YOUNG TO INTRODUCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-not present, Hueso-yea.



ITEM-333: Hillcrest Commercial Core Maintenance Assessment District.

(Uptown Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-200-750) ADOPTED AS RESOLUTION R-301460

Considering the protests, approving Assessment Engineer's Report, confirming the Assessments, and ordering the improvements, Maintenance and/or services, in the matter of the Hillcrest Commercial Core Maintenance Assessment District.

Subitem-B: (R-2006-747) ADOPTED AS RESOLUTION R-301461

Authorizing the City Auditor and Comptroller to establish the Hillcrest Commercial Core Maintenance Assessment District fund.

Subitem-C: (R-2006-748) ADOPTED AS RESOLUTION R-301462

Approving Fiscal Year 2007 Budget for the Hillcrest Commercial Core Maintenance Assessment District.

**STAFF SUPPORTING INFORMATION:**

On September 30, 2005, a group of property owners in the Hillcrest area petitioned the City to form a new maintenance assessment district on their behalf. The petition was signed by 52% of the property owners in the contemplated assessment district. The purpose of the proposed District is to fund the maintenance, improvement and servicing of public areas to include landscaping, sidewalk sweeping/washing, curb and gutter, trash removal, graffiti abatement and regular security patrols. The requested services would be generally provided along University

Avenue from First Avenue to Sixth Avenue while also encompassing Washington to Pennsylvania Streets and Fourth Avenue to Sixth Avenue.

On behalf of the petitioning Hillcrest property owners, City staff has retained SCI Consulting Group to prepare an Engineer's Report for the requested District. This report summarizes the proposed district, describes requested services/associated costs, provides an assessment diagram and apportions property owner assessments (which range from approximately \$172 to \$5,891 per parcel) based on the level of benefit received. District proponents had the opportunity to review and comment on the Engineer's Report.

The City Council is being asked to authorize the 8 requested actions cited above, with authorizations for actions 5 through 8 contingent upon affirmative findings at the public hearing scheduled for May 16, 2006. If the City Council approves the requested actions, ballots describing the proposed district and the associated assessments will be mailed to all property owners of record within the proposed district boundaries. Property owners can mail or deliver the ballots to the City Clerk.

Interested parties may comment at the May 16<sup>th</sup> public hearing regarding the proposed District. Ballots will be counted at the conclusion of the hearing. If a majority of property owners support formation of the District in accordance with State law, the City Council has the discretion to establish the District and levy assessments beginning in Fiscal Year 2007 as described in the Assessment Engineer's Report.

FISCAL CONSIDERATIONS:

There is no fiscal impact on General Fund. Approximately \$89,950 will be assessed and collected in the Hillcrest Commercial Core Maintenance Assessment District in FY 2007. The proposed assessments will fund an increased level of enhanced services within the District boundaries. If the District is approved by benefiting property owners, assessments will be levied and collected to fund the annual budget.

	<u>FY 2007</u>	<u>Maximum Authorized</u>
<b>REVENUES</b>		
Assessments	\$89,950	\$89,950
Interest	\$0	\$0
<b>TOTAL REVENUES</b>	<b><u>\$89,950</u></b>	<b><u>\$89,950</u></b>
<b>EXPENSES</b>		
Personnel	\$0	\$0
Contractual	\$65,575	\$65,575

Utilities	\$0	\$0
Incidentals/Administration	\$13,165	\$13,165
<b>Likely One-Time Costs</b>		
Special Projects	\$3,750	\$3,750
Balloting and Formation	\$5,000	\$5,000
Contingency Reserve	\$2,460	\$2,460
<b>TOTAL EXPENSES</b>	<b>\$89,950</b>	<b>\$89,950</b>
<b>BALANCE</b>	<b>\$0</b>	<b>\$0</b>

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

At the request of the District proponents, the Hillcrest Association (Association) assumed a leadership role in soliciting input from property owners who would be impacted by the proposed District. The Association held two (2) community meetings on August 17, 2005 and September 14, 2005 to solicit input for the proposed District. The Association's outreach efforts also included the following: 1) noticed mail to all property owners who would be impacted by the proposed assessment; 2) public notice in the Daily Transcript; 3) public notice in the Association's monthly newsletter Hillcrest Highlight; 4) personal visits with property owners; and 5) e-mail notice to the impacted property owners.

Upon preliminary approval of the Engineer's report by the City Council, notices / ballots will be prepared and mailed to all property owners of the District who will ultimately vote whether or not they support the formation of the District. Property owners will also vote whether the Hillcrest Association, a non-profit, Section 501(c)(3) organization, or the City should administer the contracts for goods and services for the District. If this action is approved, a public hearing will be scheduled where public testimony will be heard by the City Council.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders include the Hillcrest business community and property owners within the contemplated district. The Hillcrest Association will manage the District if approved by property owner ballot.

Fischle-Faulk/Waring/LEO

Staff: Luis E. Ojeda – (619) 533-4246  
Hilda Ramirez - Mendoza-Deputy City Attorney

FILE LOCATION: STRT-M-507 (34)

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:05 p.m.;  
2:44 p.m. – 2:45 p.m.)

Council President Peters closed the hearing.

City Clerk Elizabeth Maland announced that the election has been conducted according to Assessment Proceedings. Ms. Maland announced that the ballots in favor exceed the ballots in opposition, with a majority vote in favor, and the proposed formation of the Hillcrest Commercial Core Maintenance Assessment District and annual assessment has passed. Ms. Maland then certified the results of the election and submitted them to the City Council.

MOTION BY ATKINS TO OVERRULE ANY PROTESTS TO THE LEVY OF ASSESSMENTS FOR THE HILLCREST COMMERCIAL CORE MAINTENANCE ASSESSMENT DISTRICT, APPROVE THE SUBMITTED ASSESSMENT ENGINEER'S REPORT AND DISTRICT MAP, AND AUTHORIZE THE LEVY OF ASSESSMENTS ASSOCIATED WITH ITEM 333. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 2:46 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:46 p.m.)